## REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-31 are currently pending. Claims 1-4, 14, 21, 27, and 29 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claim 27 was objected to as containing an informality; Claims 1-14, 19-21, and 28-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,226,095 to Fukuta (hereinafter "the '095 patent"); and Claims 15-18, 22-27, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '095 patent, further in view of U.S. Patent No. 7,212,306 to Chrisop (hereinafter "the '306 patent").

Applicants respectfully submit that the objection to Claim 27 has been rendered moot by the present amendment to that claim. Claim 27 has been amended to correct the incorrect spelling noted in the outstanding Office Action. Accordingly, the objection to Claim 27 is believed to have been overcome.

Amended Claim 1 is directed to an apparatus for forming an image, in which hardware resources for use in the forming of images are provided, and one or more processes run on the apparatus based on programs related to the forming of images Further, the apparatus of Claim 1 comprises: (1) an off-line unit configured to put, in response to a notice indicating updating of one of the programs, the one or more processes in an off-line state, in which restriction is placed in the running of the one or more processes; (2) a memory area releasing unit configured to release one or more memory areas used by the one or more processes that are put in the off-line state; and (3) a data laying out unit configured to lay out data in the one or more memory areas released by the memory area releasing unit. The

changes to Claim 1 are supported by the originally filed specification and do not add new matter.[1]

The '095 patent is directed to a system in which an image processing apparatus 110 is connected to two color copy machines 120 and 121, wherein the image processing apparatus has independent frame memories and interfaces for each of the copy machines. Further, the '095 patent discloses that when a fault occurs in one copying machine, the memory area allocated to the copying machine within the image processing apparatus is reduced, and the area is reallocated to the other copying machine. Further, the '095 patent discloses that the memory areas that are allocated are used for generating image data based upon PDL data by the copying machines.

However, Applicants respectfully submit that the '095 patent fails to disclose an off-line unit configured to <u>put one or more processes in an off-line state</u> (in which restriction is placed in the running of the one or more processes), <u>in response to a notice indicating updating of one of the programs,</u> as recited in amended Claim 1. Rather, the '095 patent merely discloses that when a fault or error occurs in one of the copying machines, memory is reallocated in another machine. On the contrary, the apparatus recited in Claim 1 includes one or more processes and an off-line unit that is configured to put the one or more processes in an off-line state, <u>in response to a notice indicating updating of one of the programs</u>. First, Applicants respectfully submit that the copy machines disclosed by the '059 patent do not read on the <u>processes</u> recited in amended Claim 1. Rather, the copying machines disclosed by '095 Figure 1 are separate hardware devices, not processes, as required by Claim 1. In addition, Applicants respectfully submit that the '095 patent fails to disclose an off-line unit that is configured to put one or more processes in an off-line state <u>in response to a notice indicating updating of one of the programs,</u> as recited in Claim 1. Rather, the reallocation of

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[1] See, e.g., Figures 5, 6, and 9 and the discussion related thereto in the specification.

memory as disclosed by '095 patent is predicated on the availability or unavailability of the color copy machines 120 and 121 due to an error in one of the copy machines.

Thus, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 1 (and all similar rejected dependent claims) is rendered moot by the present amendment to Claim 1.

Independent Claim 29 recites limitations analogous to the limitations recited in Claim 1. Moreover, Claim 29 has been amended in a manner analogous to the amendment to Claim 1. In particular, Claim 29 recites an off-line step of putting, in response to a notice indicating updating of one of the programs, said one or more processes in a off-line state, in which restriction is placed on the running of said one or more processes. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejection of Claim 29 (and dependent Claim 30) is rendered moot by the present amendment to Claim 29.

Regarding the rejection of dependent Claims 15-18, 22-27, and 31 under 35 U.S.C. § 103, Applicants respectfully submit that the '306 patent fails to remedy the deficiencies of the '095 patent, as discussed above. Accordingly, Applicants respectfully submit that the objections of the above-noted dependent claims are rendered moot by the present amendment to Claims 1 and 29.

Further, Applicants note that Claim 22, which depends from Claim 1, clarifies that the data laid out by the data laying out unit is an updating program for updating at least one of the programs, and the data laying out unit obtains the updating program through data communication. Regarding the rejection of Claim 22, Applicants note that the Office Action admits that the '095 patent fails to disclose that the data laid out by the data laying out unit is an updating program for updating at least one of the programs, but relies on the '306 patent to remedy that deficiency. However, Applicants note that the '306 patent merely discloses that
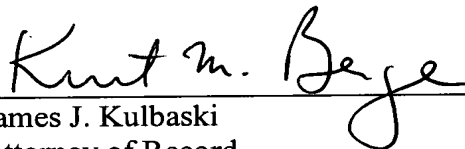
additional memory is allocated to competing multifunction peripheral devices or functions based on a prioritization of the functions. Applicants respectfully submit that this is not equivalent to the <u>updating program</u> recited in Claim 22. The '306 patent merely discloses that memory is reallocated and the system is rebooted based on the new memory allocations.

Thus, it is respectfully submitted that independent Claims 1 and 29 (and all associated dependent claims) patentably define over any proper combination of the '095 and '306 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable to that effect is respectfully requested.

Respectfully submitted,

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